

ANN BAVENDER\*  
 ANNE GOODWIN CRUMP  
 VINCENT J. CURTIS, JR.  
 RICHARD J. ESTEVEZ  
 PAUL J. FELDMAN  
 ERIC FISHMAN  
 RICHARD HILDRETH  
 FRANK R. JAZZO  
 ANDREW S. KERSTING\*  
 EUGENE M. LAWSON, JR.  
 HARRY C. MARTIN  
 GEORGE PETRUTSAS  
 LEONARD R. RAISH  
 JAMES P. RILEY  
 KATHLEEN VICTORY  
 HOWARD M. WEISS

\* NOT ADMITTED IN VIRGINIA

## FLETCHER, HEALD &amp; HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fhh-telcomlaw.com

FRANK U. FLETCHER  
 (1939-1985)  
 ROBERT L. HEALD  
 (1956-1983)  
 PAUL D.P. SPEARMAN  
 (1936-1982)  
 FRANK ROBERSON  
 (1938-1981)  
 RUSSELL ROWELL  
 (1948-1977)

RETIRED  
 EDWARD F. KENEHAN  
 CONSULTANT FOR INTERNATIONAL AND  
 INTERGOVERNMENTAL AFFAIRS  
 SHELDON J. KRYS  
 U. S. AMBASSADOR (ret.)

OF COUNSEL  
 EDWARD A. CAINE\*  
 MITCHELL LAZARUS\*  
 EDWARD S. O'NEILL\*  
 JOHN JOSEPH SMITH

WRITER'S DIRECT

812-0474

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JUN 10 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 10, 1998

**BY HAND DELIVERY**

Magalie Roman Salas, Esquire  
 Secretary  
 Federal Communications Commission  
 1919 M Street, N.W., Room 222  
 Washington, DC 20554

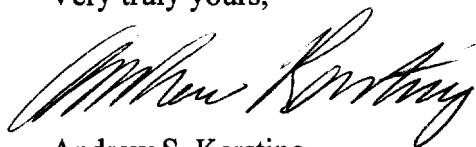
Re: Advanced Television Systems and Their Impact  
 Upon the Existing Television Broadcast Service  
MM Docket No. 87-268

Dear Ms. Salas:

Transmitted herewith on behalf of Pappas Telecasting of America, A California Limited Partnership, are an original and 11 copies of its "Reply to Opposition to Petition for Reconsideration," which is being filed in connection with the Commission's *Report and Order* in MM Docket No. 87-268, *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,



Andrew S. Kersting  
 Counsel for Pappas Telecasting of America,  
 A California Limited Partnership

Enclosures

cc (w/ encl.): Certificate of Service (by hand &amp; first-class mail)

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BEFORE THE

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WASHINGTON, D.C. 20554

JUN 10 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
 Advanced Television Systems )  
 and Their Impact Upon the Existing ) MM Docket No. 87-268  
 Television Broadcast Service )

To: The Commission

**REPLY TO OPPOSITION TO  
PETITION FOR RECONSIDERATION**

Pappas Telecasting of America, A California Limited Partnership ("Pappas"), by its counsel, hereby replies to the "Opposition to Pappas Petition for Reconsideration," filed May 26, 1998 ("Opposition"), in the above-captioned proceeding by Mountain Lake Public Telecommunications Council ("MLPTC").<sup>1</sup> In reply, the following is stated:

In its Opposition, MLPTC makes clear that it is not necessarily opposed to the change proposed in Pappas' April 20, 1998, Petition for Reconsideration ("Petition"), but, instead, as a public broadcaster, cannot support "open-ended proposals" of third parties that potentially could have a negative impact on the operation of Station WCFE-TV. Opposition, p. 2. Specifically, MLPTC states that because it has no way of knowing what channel, if any, the Commission might be able to negotiate with Canada as a replacement for DTV Channel 38 at Plattsburgh, New York, it does not want to risk the possibility that it may ultimately be assigned a less desirable channel.

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<sup>1</sup> MLPTC is the licensee of noncommercial educational Station WCFE-TV, Plattsburgh, New York, which has been allotted DTV Channel 38 in this proceeding. See *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268, FCC 98-24 (released February 23, 1998) ("MO&O"), Appendix B-33.

In addition, MLPTC notes that it previously filed a petition for reconsideration in this proceeding on June 13, 1997, as well as a supplement thereto on August 22, 1997, in which it demonstrated that DTV Channel 13 is a suitable replacement channel for the allotment of DTV Channel 38 at Plattsburgh.<sup>2</sup> MLPTC also stated that, in the event the Commission were to substitute DTV Channel 13 for the DTV Channel 38 allotment at Plattsburgh, and Pappas is willing to "reimburse MLPTC for its participation in this proceeding," MLPTC would support Pappas' proposal to preserve the NTSC allotment of Channel 38 at Vergennes, Vermont. Opposition, pp. 2-3.

As demonstrated in the attached engineering statement of Sudhir K. Khanna, an engineering study was conducted based on the Commission's Bulletin OET 69 methodology which confirms that DTV Channel 13 is a suitable replacement for the DTV Channel 38 allotment at Plattsburgh, New York. As the study indicates, the substitution of DTV Channel 13 at Plattsburgh would result in Station WCFE-TV receiving a 100% DTV/NTSC replication match. Moreover, the proposed substitution of DTV Channel 13 would enable WCFE-TV's digital operation to serve approximately 2,000 more people than if the station were to operate on DTV Channel 38, and would not cause any additional interference to existing NTSC or proposed DTV facilities. See Engineering Statement, pp. 2-3.

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<sup>2</sup> MLPTC attached a copy of its August 22, 1997, supplement to its Opposition, which demonstrates that DTV Channel 13 is a suitable alternative DTV channel at Plattsburgh if the station were to operate with 3.2 kw of power at an antenna height above average terrain of 741.3 meters. See Opposition, pp. 2-3. For reasons which were not made altogether clear, the Commission denied MLPTC's request to substitute DTV Channel 13 for DTV Channel 38 at Plattsburgh. See *MO&O* at ¶¶583-586.

The Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments:

[W]e will make changes to the DTV Table where such changes have the agreement of all affected broadcasters or do not result in additional interference to other stations or allotments, and do not conflict with our other DTV allotment goals . . . .

*MO&O* at ¶187. MLPTC has indicated that it would support Pappas' proposal if the Commission were to substitute DTV Channel 13 for the existing DTV Channel 38 allotment at Plattsburgh, New York, and Pappas is willing to reimburse MLPTC for "its participation in this proceeding." Opposition, p. 3. As demonstrated both in MLPTC's August 22, 1997, supplement to its petition for reconsideration and the engineering statement attached hereto, DTV Channel 13 is a suitable replacement for DTV Channel 38 at Plattsburgh. Moreover, in response to MLPTC's request, Pappas will reimburse MLPTC for the legitimate and prudent expenses it incurred in responding to Pappas' Petition in this proceeding. Thus, in the event the Commission finds that DTV Channel 13 is a suitable replacement for the DTV Channel 38 allotment at Plattsburgh, MLPTC has effectively consented to Pappas' proposal.

Furthermore, as demonstrated in Pappas' Petition, preserving the NTSC allotment of Channel 38 at Vergennes, Vermont, would provide substantial public interest benefits, including the provision of a first local television service to the community of Vergennes, as well as promoting the emergence and development of new networks. Therefore, the Commission should coordinate with Canada for

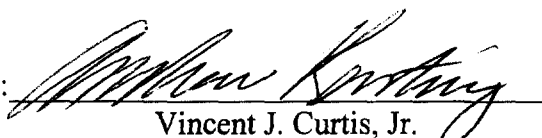
the proposed use of DTV Channel 13 at Plattsburgh, New York, and amend its DTV Table of Allotments to substitute DTV Channel 13 for the DTV Channel 38 allotment at Plattsburgh.<sup>3</sup>

WHEREFORE, in light of the foregoing, Pappas Telecasting of America, A California Limited Partnership, respectfully requests that the Commission GRANT reconsideration of its *MO&O* to the extent indicated herein by substituting DTV Channel 13 for DTV Channel 38 at Plattsburgh, New York, or, alternatively, coordinating with Canada to arrange to have one of the vacant Canadian NTSC channels substituted for the existing DTV Channel 38 allotment at Plattsburgh, either of which will preserve the NTSC allotment of Channel 38 at Vergennes, Vermont.

Respectfully submitted,

PAPPAS TELECASTING OF AMERICA,  
A CALIFORNIA LIMITED PARTNERSHIP

By:

  
Vincent J. Curtis, Jr.  
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.  
1300 N. Seventeenth Street, 11th Floor  
Arlington, Virginia 22209  
(703) 812-0400

June 10, 1998

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<sup>3</sup> Alternatively, in the event the Commission should determine that DTV Channel 13 is not a suitable replacement DTV channel at Plattsburgh, Pappas reiterates its request (contained in its Petition) that the Commission, in its coordination efforts with Canada, arrange to have one of the many available vacant Canadian NTSC channels substituted for the existing DTV Channel 38 allotment at Plattsburgh.

ENGINEERING STATEMENT  
RE RESPONSE TO OPPOSITION TO  
PAPPAS PETITION FOR RECONSIDERATION  
FILED BY  
MOUNTAIN LAKE PUBLIC TELECOMMUNICATIONS COUNCIL

JUNE 1998

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

City of Washington )

SS

District of Columbia )

**Sudhir K. Khanna, being duly sworn upon his oath, deposes and states:**

That he is a registered professional engineer in the District of Columbia, holds the degree of Master of Science in Electrical Engineering, and is Secretary-Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio-Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction; and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts, he believes them to be true.

L. K. Khound

**Sudhir K. Khanna**  
District of Columbia  
Professional Engineer  
Registration No. 8057

Subscribed and sworn to before me this 4<sup>th</sup> day of June, 1998.

Carl L. Ryan  
Notary Public

**My Commission Expires:**

2/28/2003

This engineering statement has been prepared on behalf of Pappas Telecasting of America, A California Limited Partnership (Pappas) and is in response to an opposition to Pappas' petition for reconsideration filed by Mountain Lake Public Telecommunications Council (MLPTC). Pappas filed a petition for rule making requesting the Commission to allot analog Channel 38 to Vergennes, Vermont, on July 22, 1996. The requested allotment is to provide the community's first local television service. Concurrently Pappas also filed an FCC 301 application for construction permit for the new analog television station.

In the FCC's Sixth Report & Order, MM Docket 87-268, the Commission allotted Channel 38 as the digital paired channel for non-commercial educational station WCFE-TV, Plattsburgh, New York. Station WCFE-TV is located approximately 77 km northwest of Vergennes, Vermont. Therefore, Channel 38 DTV operation at Plattsburgh, New York, would not be compatible with the use of analog Channel 38 at Vergennes, Vermont.

Pappas, therefore, filed a petition for reconsideration requesting that an alternate digital channel be allotted to WCFE-TV, whereby, the proposed allotment of Channel 38 at Vergennes, Vermont, would be protected.

Subsequent to Pappas petition for reconsideration, WCFE-TV filed an opposition to Pappas' petition primarily based on the uncertainty of ending up with a DTV channel less desirable than the currently allotted DTV Channel 38. WCFE-TV concludes its opposition to the Pappas' petition for reconsideration by indicating it would support the use of Channel 38 at Vergennes, Vermont, provided the Commission changes the current UHF DTV Channel 38 allotment for WCFE-TV to VHF Channel 13.



An engineering study was conducted based on the Commission's Bulletin OET 69 methodology and confirms that DTV Channel 13 could be substituted for DTV Channel 38 at Plattsburgh, New York, without causing adverse impact to other analog and digital authorized facilities or allotments.

The attached Exhibit E-1 shows the DTV operation of WCFE-TV at Plattsburg, New York on Channels 38 or 13 would serve 272,483 people and 15,651 square km area within the noise limited contour. On either channel, the DTV operation of WCFE-TV can match its current analog NTSC service area. However, a DTV operation on Channel 13 would suffer less loss in its signal due to terrain than on Channel 38. As such, the Channel 13 DTV operation would provide service to 263,256 people versus 260,532 people on Channel 38 which is not affected by the terrain. Exhibit E-1 also indicates there would be slightly more people (767 versus 54) subjected to interference from other TV stations on DTV Channel 13 than on DTV Channel 38. Overall, WCFE-TV's Channel 13 DTV operation would serve approximately 2,000 more people than served by the Channel 38 DTV allotment.

An interference analysis of the pertinent analog NTSC TV stations and proposed DTV allotments on Channel 12 and 13 was made according to OET Bulletin 69 to determine any adverse impact from the proposed DTV Channel 13 operation by WCFE-TV. Exhibit E-2 indicates the interference currently caused to some of the TV stations located near Plattsburg, New York. These TV stations are: WGME-TV, NTSC Channel 13, Portland, Maine, WNYT, NTSC Channel 13, Albany, New York, WOKR, NTSC Channel 13, Rochester, New York and WPRI-TV, DTV Channel 13, Providence, Rhode Island. There is no Channel 12 NTSC or DTV allotment located near

WCFE-TV which can be impacted. Exhibit E-2 shows there is no change in the interference situation of the above mentioned NTSC and DTV operations when WCFE-TV is operating on DTV Channel 13. Therefore, the proposed DTV Channel 13 operation of WCFE-TV would not cause any additional interference to any NTSC or DTV operations.

Conclusion

The engineering study indicates a net gain of 2,000 people would result by substituting DTV Channel 13 for the present allotted DTV Channel 38 for station WCFE-TV, Plattsburgh, New York. Furthermore, the proposed DTV Channel 13 would not cause any additional interference to existing NTSC or proposed DTV operations. Therefore, Pappas requests the Commission to coordinate with Canada for the proposed use of DTV Channel 13 at Plattsburgh, New York.

COHEN, DIPPELL AND EVERIST, P. C.

EXHIBIT E-1

COMPARISON ANALYSIS FOR ALLOTTED DTV CHANNEL 38

AND PROPOSED SUBSTITUTION OF CHANNEL 13

WCFE-DTV, PLATTSBURGH, NEW YORK

JUNE 1998

		<u>Alloted DTV CH.38</u>	
		<u>Population</u>	<u>Area</u>
			sq.km
1	Analysis of DTV CH.38A, TV Plattsburgh, NY HAAT 741.0 m, ATV ERP 50 kW		
	within noise limited contour	272,483	15,651.2
	not affected by terrain losses	260,532	14,903.8
	lost to NTSC interference	0	0
	lost to additional interference by DTV	54	4
	lost to DTV interference only	54	4
	lost to all interference	54	4
	percent match DTV/NTSC	100	100
		<u>Proposed DTV CH.13</u>	
		<u>Population</u>	<u>Area</u>
			sq.km
2	Analysis of DTV CH.13, TV Plattsburgh, NY HAAT 741.0 m, ATV ERP 3.2 kW		
	within noise limited contour	272,483	15,651.2
	not affected by terrain losses	263,246	15,275.5
	lost to NTSC interference	767	103.9
	lost to additional interference by DTV	0	0
	lost to DTV interference only	0	0
	lost to all interference	767	103.9
	percent match ATV/NTSC	100	100

COHEN, DIPPELL AND EVERIST, P. C.

**EXHIBIT E-2**  
**TABULATION OF INTERFERENCE**  
**ANALYSIS FOR DTV CHANNEL 13**  
**WCFE-DTV, PLATTSBURGH, NEW YORK**  
**JUNE 1998**

		<u>Analysis of</u> <u>Current Allocation</u>		<u>Analysis Including</u> <u>Proposed CH.13 Allocation</u>	
		<u>Population</u>	<u>Area</u> sq.km	<u>Population</u>	<u>Area</u> sq.km
1	Analysis of WGME-TV CH.13 NTSC Portland, ME				
	within noise limited contour	1,192,502	39,294.0	1,192,502	39,294.0
	not affected by terrain losses	1,009,015	32,780.5	1,009,015	32,780.5
	lost to NTSC interference	13,742	659.0	13,742	659.0
	lost to additional interference by DTV	102,011	1,241.6	102,011	1,241.6
	lost to all interference	115,753	1,900.6	115,753	1,900.6
2	Analysis of WNYT CH.13 NTSC Albany, NY				
	within noise limited contour	1,362,371	25,913.3	1,362,371	25,913.3
	not affected by terrain losses	1,193,833	19,605.7	1,193,833	19,605.7
	lost to NTSC interference	12,288	627.2	12,288	627.2
	lost to additional interference by DTV	666	103.9	666	103.9
	lost to all interference	12,954	731.0	12,954	731.0
3	Analysis of WOKR CH.13 NTSC Rochester, NY				
	within noise limited contour	1,200,564	21,513.0	1,200,564	21,513.0
	not affected by terrain losses	1,158,277	20,013.1	1,158,277	20,013.1
	lost to NTSC interference	8,202	100.5	8,202	100.5
	lost to additional interference by DTV	0	0	0	0
	lost to all interference	8,202	100.5	8,202	100.5
4	Analysis of WPRI-TV CH.13 ATV Providence, RI				
	within noise limited contour	6,384,672	28,860.9	6,384,672	28,860.9
	not affected by terrain losses	6,175,364	27,491.9	6,175,364	27,491.9
	lost to NTSC interference	231,404	959.5	231,404	959.5
	lost to additional interference by DTV	0	0.0	0	0.0
	lost to all interference only	1,981	8.0	1,981	8.0
	lost to all interference	231,404	959.5	231,404	959.5

**CERTIFICATE OF SERVICE**

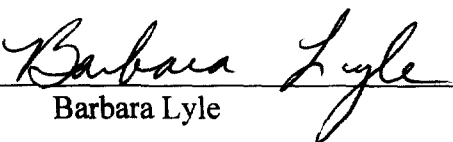
I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C, hereby certify that on this 10th day of June, 1998, copies of the foregoing "Reply to Opposition to Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

Roy J. Stewart, Chief\*  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 314  
Washington, DC 20554

Mr. Bruce A. Franca\*  
Office of Engineering and Technology  
Federal Communications Commission  
2000 M Street, N.W., Room 416  
Washington, DC 20554

Barbara A. Kreisman, Chief\*  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 702  
Washington, DC 20554

Todd D Gray, Esquire  
Dow, Lohnes & Albertson, P.L.L.C.  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, DC 20036-6802  
(Counsel for Mountain Lake Public Telecommunications Council)

  
Barbara Lyle

Hand Delivered